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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/370,488	08/09/1999	MICHAEL A. EPSTEIN	PHA-23.744	8165

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER

CALLAHAN, PAUL E

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 06/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/370,488

Applicant(s)

EPSTEIN, MICHAEL A.

Examiner

Paul Callahan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4,5,8,9 and 14-17 is/are allowed.
- 6) ☒ Claim(s) 1-3,6,7 and 10-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 November 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 1-17 are pending in the application and have been examined.

### ***Response to Arguments***

2. The applicant asserts that the instant claims may be distinguished from the teachings of Hidaka since that reference "fails to teach or show or imply at least the limitations of a receiver that is configured to receive a parameter from a second device of the plurality of electronic devices." Yet such is indeed taught by Hidaka at, for example, fig. 2, col. 1 line 50 through col.2 line 7. The applicant asserts that Hidaka also fails to teach a transmitter that is configured to communicate the parameter from the second device to the first device. Yet such is indeed the mechanism by which a transfer of the signal is accomplished in col. 1 line 50 through col. 2 line 7. For example, the learning remote control receives a signal from a non-learning device via infrared transmission.

### ***Drawings***

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "963 " has been used to designate both transmission of "x" from Device A 400 to Remote Device 390 and transmission of "x" from Remote Device 390 to Device B 954. Item number 941 is similarly used in referencing two items in fig.
5. A proposed drawing correction or corrected drawings are required in reply to the

Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 6, 7 and 10-13 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Shinyagaito et al., US Patent 5,886,753.

As per claims 1 and 11, Shinyagaito teaches a remote control device, having a transceiver, that is configured to facilitate control of a plurality of electronic devices each having a transceiver (fig. 1), comprising: an input device that is configured to accept a user input and provides therefrom a control signal for control of a first device of the plurality of electronic devices (col. 1 lines 40-50), and a receiver that is configured to receive a parameter from a second device of the plurality of electronic devices (col. 1 lines 50-60), and, a transmitter that is configured to: communicate the parameter from the second device to the first device, and, communicate the control signal to the first device to effect the control of an appliance function of the first device (col. 2 lines 30-67).

As per claims 2, 7 and 12, Shinyagaito teaches a remote control device, wherein the receiver is further configured to receive an other parameter from the first device, and the transmitter (transceiver) is further configured to communicate the other parameter from the first device to the second device (col. 1 lines 40-60, col. 2 lines 30-67).

As per claim 3, Shinyagaito teaches a remote control device, further including a controller that effects the communication of the parameter and the other parameter (col. 1 lines 50-60).

As per claim 6, Shinyagaito teaches an electronic device comprising: a transceiver that is structured to receive control commands from a remote control device (col. 1 lines 50-60), an appliance apparatus that effects a processing of input information in dependence upon the control commands, a parameter generator that produces a parameter for communication to an other device, and wherein, the transceiver is also structured to transmit the parameter, thereby effecting the communication of the parameter to the other device (col. 2 lines 30-67).

As per claim 10, Shinyagaito teaches an electronic device, wherein the appliance apparatus includes at least one of: a set-top box, a tuner, a display device, a recording device, and a playback device (fig. 1 "t.v.").

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As per claim 13, Shinyagaito teaches transmitting a second parameter from the second device via a transmitter of the transceiver of the second device, and receiving the second parameter at the first device via a receiver of the transceiver of the first device (col. 2 lines 49-62).

***Allowable Subject Matter***

6. Claims 4, 5, 8, 9, 14, 15, 16, and 17 are allowed.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following US Patent document teaches features pertinent to the applicant's disclosure:

Nishio        4,905,279

**8. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul E. Callahan whose telephone number is (571) 272-3869. The examiner can normally be reached on M-F from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Andrew Caldwell, can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is: (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

6-9-05

*Paul Callahan*



**ANDREW CALDWELL**  
SUPERVISORY PATENT EXAMINER